

APPEAL NO. 23-4509 (L); CROSS APPEAL NO. 23-4566

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA*Plaintiff-Appellee/Cross-Appellant,**Versus***RUSSELL LAFFITTE***Defendant-Appellant/Cross-Appellee.*

CONSENT MOTION TO ENLARGE OPENING AND RESPONSE BRIEF

COME NOW Appellee/Cross-Appellant United States of America, through its undersigned counsel, and hereby moves this Honorable Court for an Order granting leave to exceed the 15,300-word length limit imposed by Federal Rule of Appellate Procedure 28.1(e)(2)(B) for the Government's Opening and Response Brief. In support of this motion, the United States makes the following showing:

1. Appellant/Cross-Appellee Russell Laffitte was convicted of six counts following nine days of trial. The parties called 24 witnesses and introduced over 300 exhibits. The trial transcript spans nearly 2,200 pages, and the joint appendix exceeds 3,500 pages.
2. The parties engaged in extensive post-trial briefing. Laffitte filed a written supplement to his oral Rule 29 motion, JA18, ECF No. 201; a motion for a new

trial, JA20, ECF No. 224; three juror affidavits and a motion for a hearing on those affidavits, JA20, ECF No. 231; JA22, ECF No. 256-258; a supplemental new trial motion, JA22, ECF No. 254; and a second motion for a new trial, JA23, ECF No. 274.

3. On appeal, Laffitte challenges 19 of the district court's trial and post-trial rulings. ECF No. 69 at 37-38.
4. The Government has endeavored to respond to each of Laffitte's claims concisely. However, in addition to addressing the merits of the 19 rulings Laffitte has asked the Court to review, the Government's Brief must address disputes over the appropriate standard of review, *see* ECF No. 39 at 15-22 (addressing Laffitte's waiver of juror arguments he raises on appeal), and the Government's claim of error in its cross-appeal.
5. Given the voluminous record, unusual number of alleged errors, contested standards of review, and cross-appeal, the United States respectfully requests leave to file a brief not to exceed 26,500 words. The Government is continuing to refine its arguments and hopes to file a final brief well below the requested word limit.
6. The undersigned has consulted with counsel for Laffitte, who has graciously consented to this request.

For the above reasons, the United States respectfully requests permission to file a brief not exceeding 26,500 words.

Respectfully submitted,

ADAIR F. BOROUGH
UNITED STATES ATTORNEY

By: /s/Kathleen Michelle Stoughton
Kathleen Michelle Stoughton
Assistant United States Attorney
1441 Main Street, Suite 500
Columbia, SC 29201
Tel. (803) 929-3114
Email: Kathleen.Stoughton@usdoj.gov

March 20, 2024